

Serial No. **10/574,656**

Docket No. **K-0789**

Amdt. dated December 10, 2009

Reply to Office Action of August 10, 2009

REMARKS/ARGUMENTS

Claims 1, 3-20, and 23-25 are pending. By this Amendment, the Abstract, and claims 1, 3, 5-6, 12, and 23-25 are amended, and claims 2 and 22 are canceled without prejudice or disclaimer. No new matter has been added. Support for claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Regarding the Information Disclosure Statement (IDS) filed June 17, 2009, the IDS merely submits for consideration by the Examiner an Office Action dated May 11, 2009 issued in a corresponding Mexican Application. An explanation regarding the Mexican Office Action is provided at point 4 of the IDS. It is noted that the references cited in the Mexican Office Action were previously submitted for this application.

The Office Action objected to the Abstract for informalities. The Examiner's comment has been addressed in amending the Abstract. Accordingly, the objection should be withdrawn.

The Office Action objected to claims 5, 6, 22, 24, and 25 for informalities. As noted above, claim 22 has been canceled. Claims 5-6 and 24-25 have been amended to address the Examiner's comments. Accordingly, the objection should be withdrawn.

The Office Action rejected claims 1, 2, 7, and 8 under 35 U.S.C. §103(a) as being unpatentable over Kopko, U.S. Patent No 6,286,326, in view of Kim et al. (hereinafter "Kim"), U.S. Patent No. 5,987,904. Claim 2 has been canceled. The rejection is respectfully traversed in so far as it applies to claims 1, and 7-8.

Independent claim 1 recites, *inter alia*, a fan in the cold air duct that selectively directs the cold air in an upward or downward direction, and an open/close device that selectively opens and closes a space containing the evaporator, the defrosting heater, and the fan positioned therein, wherein the space communicates with both the refrigerating chamber and the freezing chamber, wherein the open/close device is configured to be rotated by a force of a flow of the cold air generated by rotation of the fan so that the opening or closing between the space and the refrigerating chamber and the space and the freezing chamber are performed by the open/close device simultaneously, wherein the open/close device comprises a first open/close part on an upper side of the space and a second open/close part on a lower side of the space, and wherein the fan is configured to be rotated in one direction to rotate the first open/close part and the second open/close part to open the space so that the cold air is directed into the refrigerating chamber and/or the freezing chamber during cooling and the fan is configured to be rotated in an opposite direction to rotate the first open/close part and the second open/close part to close the space so that a heat transmission from the defrosting heater to the refrigerating chamber and/or the freezing chamber is prevented during defrosting by an operation of the defrosting heater. It is respectfully submitted that neither Kopko nor Kim, taken alone or in combination, disclose or suggest such features, or the claimed combination of independent claim 1.

Accordingly, the rejection of independent claim 1 over Kopko and Kim should be withdrawn. Dependent claims 7-8 are allowable over Kopko and Kim at least for the reasons

discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

The Office Action rejected claims 3-6 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim, and further in view of Reed, U.S. Patent No. 2,191,774. The rejection is respectfully traversed.

Dependent claims 3-6 are allowable over Kopko and Kim at least for the reasons discussed above with respect to claims 1-2, from which they depend, as well as for their added features. Reed fails to overcome the deficiencies of Kopko and Kim, as it is merely cited for allegedly teaching flaps comprising a supporting plate having a plurality of openings, a plurality of thin rotating plates each having one side coupled to the supporting plate by a hinge, and the other side rotatable upward by a predetermined angle to open the openings, wherein the rotating plate covers an upper circumference of the respective opening to close the opening, and wherein the rotating plate is held by a rear end of an adjacent rotating plate and the supporting plate to prevent the rotating plate from rotating downward. Accordingly, the rejection of claims 3-6 over Kopko, Kim, and Reed should be withdrawn.

The Office Action rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim, and further in view of Block, U.S. Patent Publication No. 2002/0192075. The rejection is respectfully traversed.

Dependent claim 9 is allowable over Kopko and Kim at least for the reasons discussed above with respect to independent claim 1, from which it depends, as well as for its added

features. Block fails to overcome the deficiencies of Kopko and Kim, as it is merely cited for allegedly teaching a defrost heater fabricated as one unit with a fan. Accordingly, the rejection of claim 9 over Kopko, Kim, and Block should be withdrawn.

The Office Action rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim, and further in view of Carlstedt et al. (hereinafter “Carlstedt”), U.S. Patent No. 5,765,384. The rejection is respectfully traversed.

Dependent claim 10 is allowable over Kopko and Kim at least for the reasons discussed above with respect to independent claim 1, from which it depends, as well as for its added features. Carlstedt fails to overcome the deficiencies of Kopko and Kim, as it is merely cited for allegedly teaching a hot wire that functions as a resistance body connected to a power source for emission of heat, and a film of an electrical insulating material surrounding the hot wire. Accordingly, the rejection of claim 10 over Kopko, Kim, and Carlstedt should be withdrawn.

The Office Action rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim, and further in view of Schenk et al. (hereinafter “Schenk”), U.S. Patent No. 6,694,754. The rejection is respectfully traversed.

Claim 11 is allowable over Kopko and Kim at least for the reason discussed above with respect to independent claim 1, from which it ultimately depends, as well as for its added features. Schenk fails to overcome the deficiencies of Kopko and Kim, as it is merely cited for allegedly teaching a plurality of fins in contact with a refrigerant pipe. Accordingly, the rejection of dependent claim 11 over Kopko, Kim, and Schenk should be withdrawn.

The Office Action rejected claims 12 and 22 under 35 U.S.C. §103(a) as being unpatentable over Kopko in view of Kim and Schenk. Claim 22 has been canceled. The rejection is respectfully traversed in so far as it applies to claim 12.

Independent claim 12 recites, *inter alia*, a fan in the space that selectively directs the cold air in an upward or downward direction; and a motor that drives the fan, wherein the space communicates with both the refrigerating chamber and the freezing chamber, wherein the open/close device is configured to be rotated so that the opening or closing between the space and the refrigerating chamber and the space and the freezing chamber are performed by the open/close device simultaneously, and wherein the open/close device comprises a first open/close part on an upper side of the space and a second open/close part on a lower side of the space, and wherein the fan is configured to be rotated in one direction to rotate the first open/close part and the second open/close part to open the space so that the cold air is directed into the refrigerating chamber and/or the freezing chamber during cooling and the fan is configured to be rotated in an opposite direction to rotate the first open/close part and the second open/close part to close the space so that a heat transmission from the defrosting heater to the refrigerating chamber and/or the freezing chamber is prevented during defrosting by an operation of the defrosting heater. Kopko, Kim, and Schenk, taken alone or in combination, fail to disclose or suggest such features, or the claimed combination of independent claim 12. Accordingly, the rejection of independent claim 12 over Kopko, Kim, and Schenk should be withdrawn.

The Office Action rejected claims 13 and 20 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim and Schenk, and further in view of Carlstedt. The rejection is respectfully traversed.

Dependent claims 13 and 20 are allowable over Kopko, Kim, and Schenk at least for the reasons discussed above with respect to independent claim 12, from which they depend, as well as for their added features. Carlstedt fails to overcome the deficiencies of Kopko, Kim, and Schenk, as it is merely cited for allegedly teaching a hot wire that functions as a resistance body connected to a power source for emission of heat, a film of an electrical insulating material surrounding the hot wire, and wherein at least a portion of the plurality of fins have insertion slots inside surfaces configured to receive the defrost heater. Accordingly, the rejection of claims 13 and 20 over Kopko, Kim, Schenk, and Carlstedt should be withdrawn.

The Office Action rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim and Carlstedt, and further in view of Lindseth, U.S. Patent No. 2,000,467. The rejection is respectfully traversed.

Dependent claim 14 is allowable over Kopko, Kim, Schenk, and/or Carlstedt at least for the reasons discussed above with respect to claims 12-13, from which it depends, as well as for its added features. Lindseth fails to overcome the deficiencies of Kopko, Kim, Schenk, and/or Carlstedt, as it is merely cited for allegedly teaching a carbon hot wire. Accordingly, the rejection of claim 14 over Kopko, Kim, Schenk, Carlstedt, and Lindseth should be withdrawn.

The Office Action rejected claims 15 and 16 under 35 U.S.C. §103(a) as being

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unpatentable over Kopko as modified by Kim and Carlstedt, and further in view of Komatsu, U.S. Patent No. 5,594,585. The rejection is respectfully traversed.

Dependent claims 15 and 16 are allowable over Kopko, Kim, Schenk, and/or Carlstedt at least for the reasons discussed above with respect to independent claim 1, from which they ultimately depend, as well as for their added features. Komatsu fails to overcome the deficiencies of Kopko, Kim, Schenk, and/or Carlstedt, as it is merely cited for allegedly teaching a film formed of PET material, and wherein the defrosting heater is a PTC device. Accordingly, the rejection of claims 15 and 16 over Kopko, Kim, Schenk, Carlstedt, and Komatsu should be withdrawn.

The Office Action rejected claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim and Schenk, and further in view of Kobayashi, et al. (hereinafter "Kobayashi"), U.S. Patent No. 4,369,350. The rejection is respectfully traversed.

Dependent claims 17 and 18 are allowable over Kopko, Kim, and Schenk at least for the reasons discussed above with respect to independent claim 12, from which they depend, as well as for their added features. Kobayashi fails to overcome the deficiencies of Kopko, Kim, and Schenk, as it is merely cited for allegedly teaching a defrost heater attached to at least one side of a plurality of fins. Accordingly, the rejection of claims 17 and 18 over Kopko, Kim, Schenk, and Kobayashi should be withdrawn.

The Office Action rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim and Schenk, and further in view of Seipp et al. (hereinafter "Seipp"),

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U.S. Patent No. 4,369,350. The rejection is respectfully traversed.

Dependent claim 19 is allowable over Kopko, Kim, and Schenk at least for the reasons discussed above with respect to independent claim 12, from which it depends, as well as for its added features. Seipp fails to overcome the deficiencies of Kopko, Kim, and Schenk, as it is merely cited for allegedly teaching a defrost heater having pass through holes for at least one refrigerant pipe. Accordingly, the rejection of claim 19 over Kopko, Kim, Schenk, and Seipp should be withdrawn.

The Office Action rejected claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over Kopko as modified by Kim and Carlstedt, and further in view of Reed. The rejection is respectfully traversed.

Dependent claims 23-25 are allowable over Kopko, Kim, Schenk, and/or Carlstedt at least for the reasons discussed above with respect to independent claim 12, from which they depend, as well as for their added features. Reed fails to overcome the deficiencies of Kopko, Kim, Schenk and/or Carlstedt, as it is merely cited for allegedly teaching flaps comprising a supporting plate having a plurality of openings, a plurality of thin rotating plates each having one side coupled to the supporting plate by a hinge, and the other side rotatable upward by a predetermined angle to open the openings, wherein the rotating plate covers an upper circumference of the respective opening to close the opening. Accordingly, the rejection of claims 23-25 over Kopko, Kim, Schenk, Carlstedt, and Reed should be withdrawn

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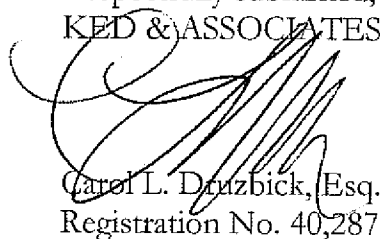
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



Carol L. Druzbeck, Esq.
Registration No. 40,287

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3777 CLD:pb:tlg

Date: December 10, 2009

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Please direct all correspondence to Customer Number 34610